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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/631,212	08/03/2000	Nicolas Vasquez	5150-44800	1157

7590 11/19/2003
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EXAMINER

GROSS, KENNETH A

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 11/19/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/631,212

Applicant(s)

VASQUEZ ET AL.

Examiner

Kenneth A Gross

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 6, 14-16, 18, 19, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsey (U.S. Patent Number 5,675,801) in view of Donoho et al. (U.S. Patent Number 6,263,362).

In regard to Claim 1, Lindsey teaches: (a) receiving user input selecting a problem from a plurality of problems (Column 5, line 67 and Column 6, lines 1-3). Lindsey teaches a user interface, where the interface allows users to "select" objects in order to describe a "desired function" (Column 6, lines 2-3); and (b) automatically creating a prototype including a plurality of elements in response to the selected problem wherein the plurality of elements are operable to perform a process that solves a selected problem (Column 2, lines 65-67 and Column 3, lines 1-15). Lindsey does not teach displaying information indicating a plurality of problems. Donoho, however, does teach displaying a number of relevant problems where a number of automatic solutions are made available (Column 7, lines 32-39 and lines 54-56), one such solution is to identify a script to effect the solution. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to receive user input specifying a problem from a plurality of problems and automatically create a prototype including a plurality of elements in

response to the specified problem as taught by Lindsey, where the plurality of problems are displayed to the user as taught by Donoho, since this allows the user to effect solutions for a number of predetermined problems. Claims 18, 19, and 22 correspond directly with Claim 1 and are rejected for the same reasons as Claim 1.

For specific rejections of Claims 2, 3, 14-16, and 23, see the office action mailed on June 6th, 2003.

3. Claims 4, 5, 8-13, 20, 21, and 24-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsey (U.S. Patent Number 5,675,801) in view of Donoho et al. (U.S. Patent Number 6,263,362) and further in view of Amberg et al. (U.S. Patent Number 5,995,757).

In regard to Claim 27, the limitations of Claim 27 have already been addressed in Claims 1-3 and 10, and Claim 27 is rejected for the same reasons as these claims, where Lindsey teaches a system for carrying out said method of Claim 1 (Figure 2).

For specific rejections of Claims 4, 5, 8-13, 20, 21, 24-26, and 28, see the office action mailed on June 6th, 2003.

4. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lindsey (U.S. Patent Number 5,675,801) in view of Donoho et al. (U.S. Patent Number 6,263,362) and further in view of "Windows 98 For Dummies" by Andy Rathbone (hereinafter Rathbone).

In regard to Claim 7, Lindsey and Donoho teach the method of Claim 1, but do not teach displaying help information regarding a selected problem, wherein the help information includes information explaining the process that is performed in order to solve the selected problem.

Rathbone, however, teaches the Windows 98 Help system, which displays information regarding a plurality of problems, and the step-by-step solution. Therefore it would have been obvious to

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one of ordinary skill in the art at the time of the invention to utilize the method of Claim 1 as taught by Lindsey and Donoho, where help information, including information specifying the process performed to solve a problem, is displayed, as taught by Rathbone, since this allows the user to easily find and solve a specified problem. The limitations of Claim 17 have already been addressed in Claim 7 and Claim 17 is rejected for the same reasons as Claim 7.

Response to Arguments

5. Applicant's arguments filed September 11th, 2003 have been fully considered but they are not persuasive. In regard to the amendment of the term "selected" in place of "specified" in Claim 1 and corresponding Claims, Lindsey still teaches a user interface, where the interface allows users to "select" objects in order to describe a "desired function". The 'object', as taught by Lindsey, is being associated with the 'problem', as taught by the applicant, in that the object represents a desired functionality that addresses a certain purpose.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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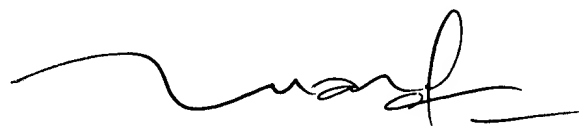
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

KAG



TUAN DAM
SUPERVISORY PATENT EXAMINER